

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARDY CARROLL LLOYD,

Defendant.

**Case No.: 5:23CR52
(BAILEY)**

DETENTION HEARING ORDER

On August 30, 2023, came the United States of America by Randolph Bernard and Jarod Douglas, Assistant United States Attorneys, and came Defendant, Hardy Carroll Lloyd, in person and by his counsel, Brendan Leary and Elizabeth Gross, Assistant Federal Public Defenders, for a hearing on the United States' Motions to Detain [ECF Nos. 9 and 19], in accordance with the Bail Reform Act, Title 18, United States Code, Section 3142(f). The parties presented evidence, proffers, and argument. The Court's decision is set forth below.

A. The Standards

Title 18, United States Code, § 3142(g) provides the specific factors that are to be considered to determine whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community. Those factors are:

1. The nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

2. The weight of the evidence against the person;
3. The history and characteristics of the person, including but not limited to community ties, employment, criminal history, record of court appearance or whether the person was on probation or parole at the time the current offense was committed; and
4. The seriousness of the danger to any person or the community that would be posed by the person's release.

B. Findings of Fact and Conclusions of Law

On August 29, 2023, an indictment was filed against the Defendant charging him with Obstruction of the Due Administration of Justice, Transmitting Threats in Interstate and Foreign Commerce, and Witness Tampering.

The Court finds as follows:

1. Based on the proffers, evidence, and arguments adduced during the hearing, Defendant is a danger to the community by clear and convincing evidence.
2. The Court would also find that Defendant is flight risk by a preponderance of the evidence.
3. In so finding, the Court would note, but not by way of limitation, the evidence establishing direct and/or indirect threats of harm to members of the community;
4. Defendant's criminal history includes a conviction involving a firearm;
5. Defendant's criminal history also includes multiple revocations while on supervision, which indicates that Defendant does not follow supervision rules as required;
6. Defendant believes he has been kidnapped through these proceedings.

C. Decision

Based upon the proffers and evidence presented, and the above findings of fact and conclusions of law, the Government's Motions to Detain [ECF Nos. 9 and 19] are **GRANTED**.

Accordingly, it is hereby **ORDERED** that:

1. Defendant is hereby remanded to the custody of the United States Marshal pending further proceedings in this case;
2. Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel;
4. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and
5. Any party seeking revocation or amendment of this Order shall file a motion pursuant to 18 U.S.C. § 3145.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

Dated: 8/30/2023

/s/ James P. Mazzone
JAMES P. MAZZONE
UNITED STATES MAGISTRATE JUDGE